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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 12, 2005	CONTACT/PHONE Nick Forester 781-1163	APPLICANT Anderson Family Trust	FILE NO. COAL05-004 SUB2004-00190
SUBJECT Request by the Anderson Family Trust for a Lot Line Adjustment to adjust the lot lines between two parcels of 78.86 and 43.39 acres each. The adjustment will result in two parcels of 82.25 and 40.0 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 6460 Cressey Street, adjacent to the community of Creston. The site is in the El Pomar planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Lot Line Adjustment COAL05-0049 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration(ED04-494) (pursuant to Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq.) has been issued on June 28, 2005 for this project. Mitigation measures are proposed to address public services/utilities, recreation, noise and waste water.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 043-051-026	SUPERVISOR DISTRICT 5
PLANNING AREA STANDARDS: None Applicable			
LAND USE ORDINANCE STANDARDS: L.U.O section 22.22.040-Subdivision design, agriculture catagory			
EXISTING USES: Residences and accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/residence East: Residential Single Family/residence South: Agriculture/Dry Farm Grain West: Agriculture/Dry Farm Grain			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Santa Margarita Community Advisory Group, Public Works, Environmental Health, Ag Commissioner.	
TOPOGRAPHY: Gentle slope	VEGETATION: grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: April 11, 2005

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
43.39 acres	40.00 acres
78.86 acres	82.25 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to reflect topography, access and better the potential for agricultural use because the proposed parcel line will follow an existing road, which will minimize dust and impacts to agriculture.

The present use of the land is grazing. According to Section 22.22.040 of the Land Use Ordinance, the minimum parcel size for agricultural land used for grazing is 320 acres. Both existing parcels are legal nonconforming to the present minimum parcel size. Although the 43.39 acre parcel will become less conforming to minimum parcel size by the amount of 3.39 acres, the 78.86 acre parcel will become more conforming to minimum parcel size by the amount of 3.39 acres so the parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

Additionally, since the existing property line bisects an existing graded house pad, the proposed lot line will allow the construction of another residence without additional grading and disturbance of Kit fox habitat.

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As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

Certificates of compliance (1999-087207 and 1999-087208) have been issued for the two parcels.

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration(ED04-494) (pursuant to Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq.) has been issued on June 28, 2005 for this project. Mitigation measures are proposed to address public services/utilities, recreation, noise and waste water.

Lot Line Adjustment

- B. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in the reconfiguration of the two parcels to reflect topography, access and better the potential for agricultural use because the proposed parcel line will follow an existing road, which will minimize dust and impacts to the agriculture.

The present use of the land is grazing. According to Section 22.22.040 of the Land Use Ordinance, the minimum parcel size for agricultural land used for grazing is 320 acres. Both existing parcels are legal nonconforming to the present minimum parcel size. Although the 43.39 acre parcel will become less conforming to minimum parcel size by the amount of 3.39 acres, the 78.86 acre parcel will become more conforming to minimum parcel size by the amount of 3.39 acres so the parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The existing property line bisects an existing graded house pad. The proposed lot line will allow the construction of another residence without additional grading and disturbance of Kit fox habitat because the revised line will free up the existing graded house pad.

- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

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CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

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11. Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
 - A. Prior to issuance of construction permit, the applicant shall submit a color board for review and approval by the Department of Planning and Building/Division of Environmental and Resource Management. All exterior colors shall be less than 6 in chroma and value meet the following criteria:
 - a) Water tank colors shall be dark-green or black;
 - b) Exterior wall colors shall be limited to muted earth tones; and
 - c) Roof colors shall be limited to deep earth tones, deep muted reds, browns and grays.
 - B. Prior to final inspection, the applicant shall implement the approved color board.
 - C. Prior to issuance of construction permit, the applicant shall submit a final landscaping plan showing the use of native, drought-tolerant vegetation to screen at least 50% of all proposed structures, including water tanks, from all viewpoints on Highway 229 within three (3) years. The plan shall identify the species, size and location of all proposed vegetation and proposed means of irrigation. The plan shall be prepared by a licensed architect, licensed landscape architect, licensed landscape contractor or certified nurseryperson.
 - D. Prior to final inspection, the applicant shall implement the approved landscaping plan.
 - E. Prior to final inspection, all lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 229. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
 - F. Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project site on April 11, 2002 by Jeff Tupen, Morro Group, Inc., indicates the project will impact San Joaquin kit fox habitat. Based on review by Bob Stafford of the California Department of Fish and Game, all impacts to kit fox habitat be mitigated at a ratio of one acre conserved for each acre impacted (1:1). The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.
 - G. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:
 - a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-

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site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b), can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
 - c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.
 - d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.
- H. Prior to issuance of grading and/or construction permits, or conducting any grading associated with map/certificate recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

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- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

- 1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
- 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- I. Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map/certificate recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map/certificate recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- J. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- K. Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- L. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- M. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- N. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- O. Prior to, during, and after the site-disturbance and/or construction phase, use of

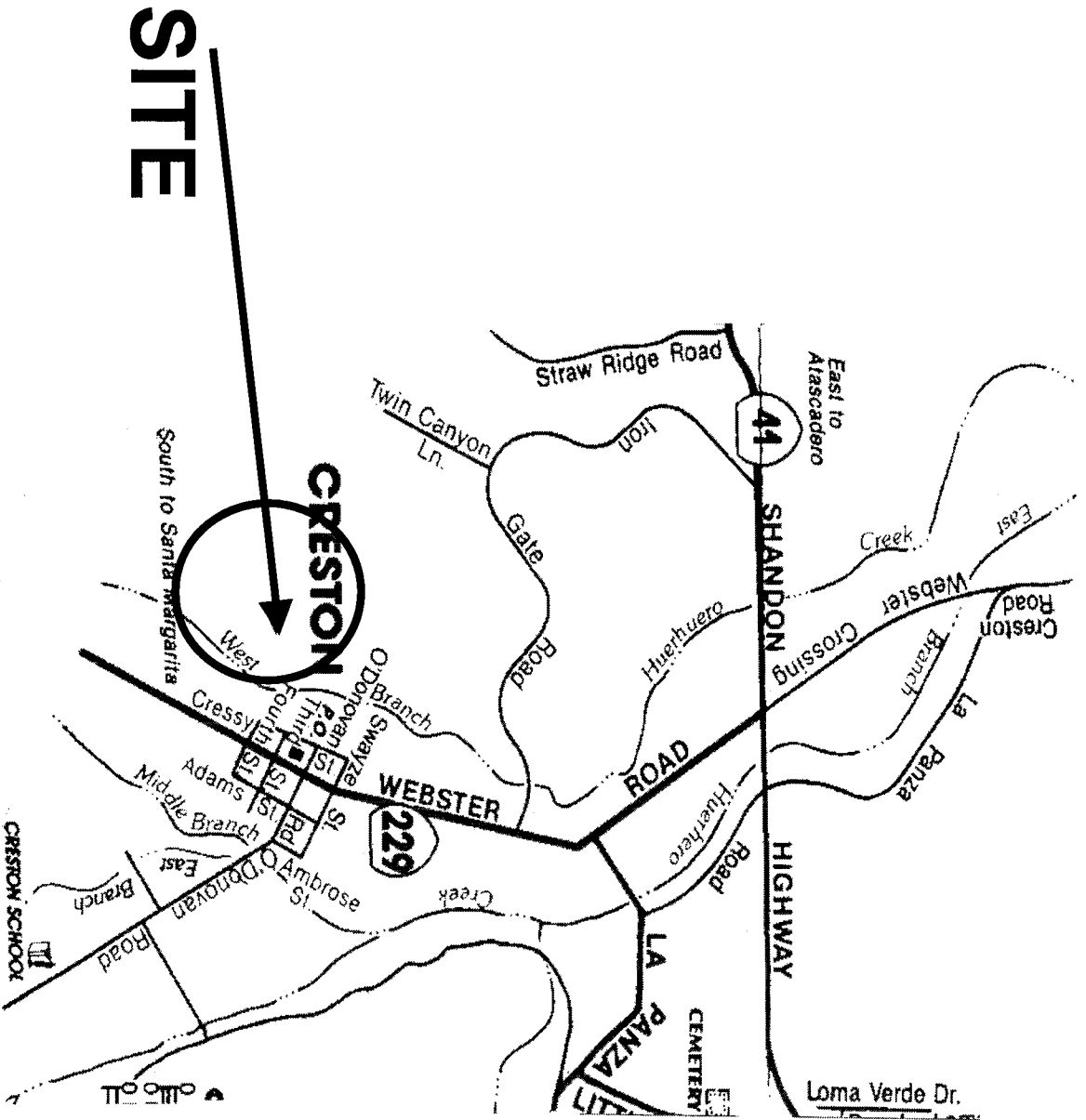
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pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

- P. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- Q. Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- U. Prior to issuance of building permits, the applicant shall submit to the County Environmental Health Division the results of soil boring and percolation tests in the proposed leach field location showing adequate slope, percolation rates, and depth to bedrock, or plans for an engineered system.

Staff report prepared by Nick Forester
and reviewed by Kami Griffin

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SITE

PROJECT

Lot Line Adjustment
Anderson SUB2004-00275

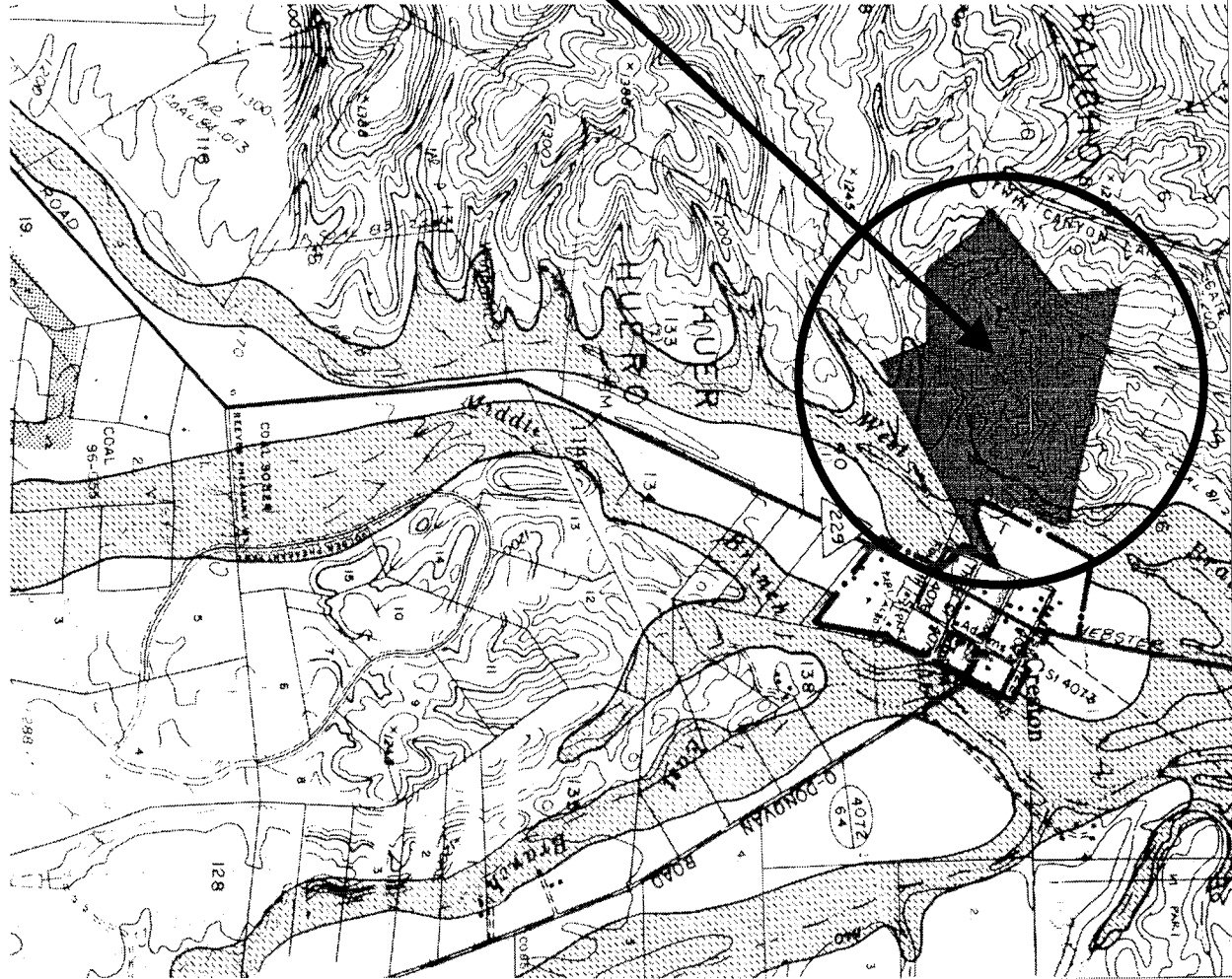


EXHIBIT

Vicinity Map

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SITE



PROJECT

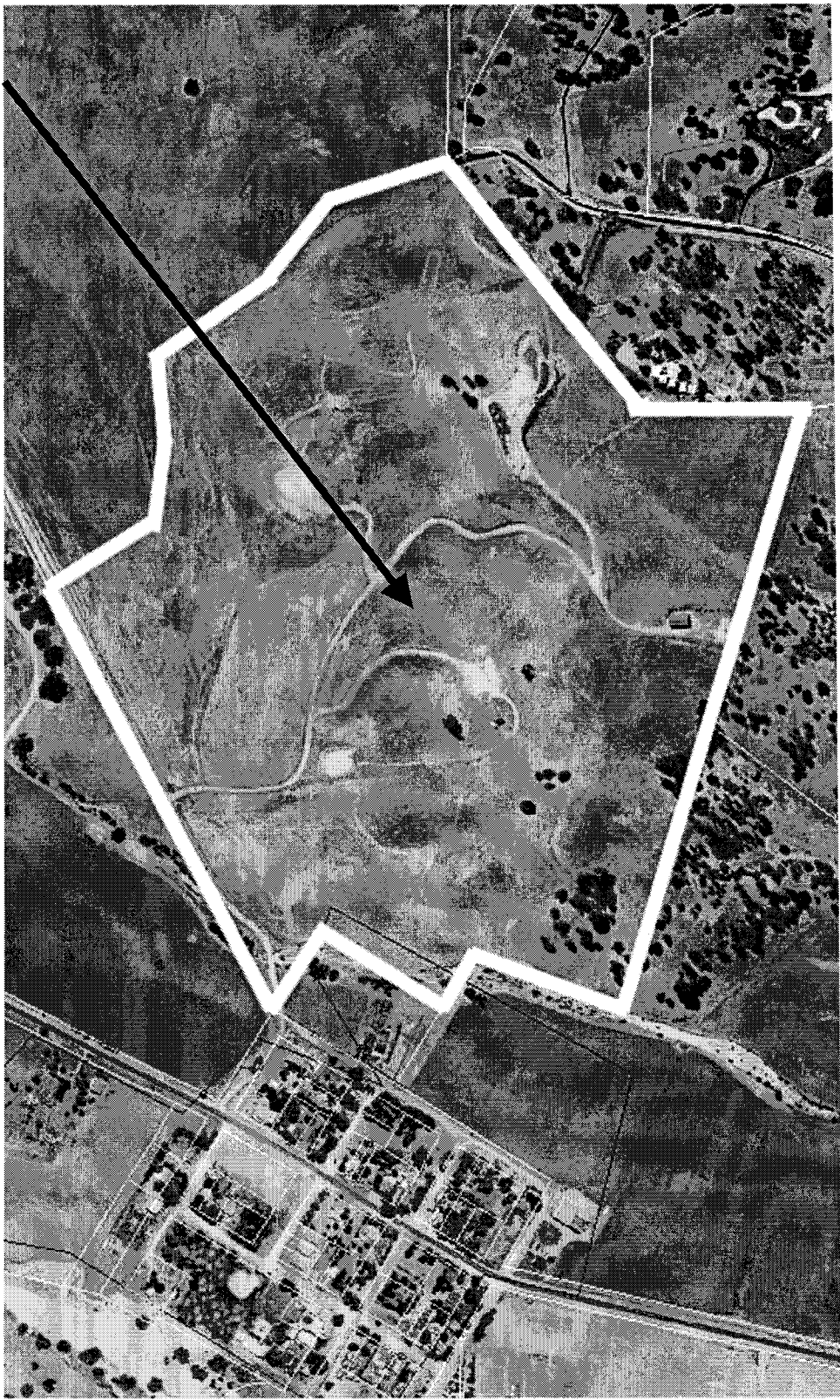
Lot Line Adjustment
Anderson SUB2004-00275



EXHIBIT

Land Use Category

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SITE

PROJECT

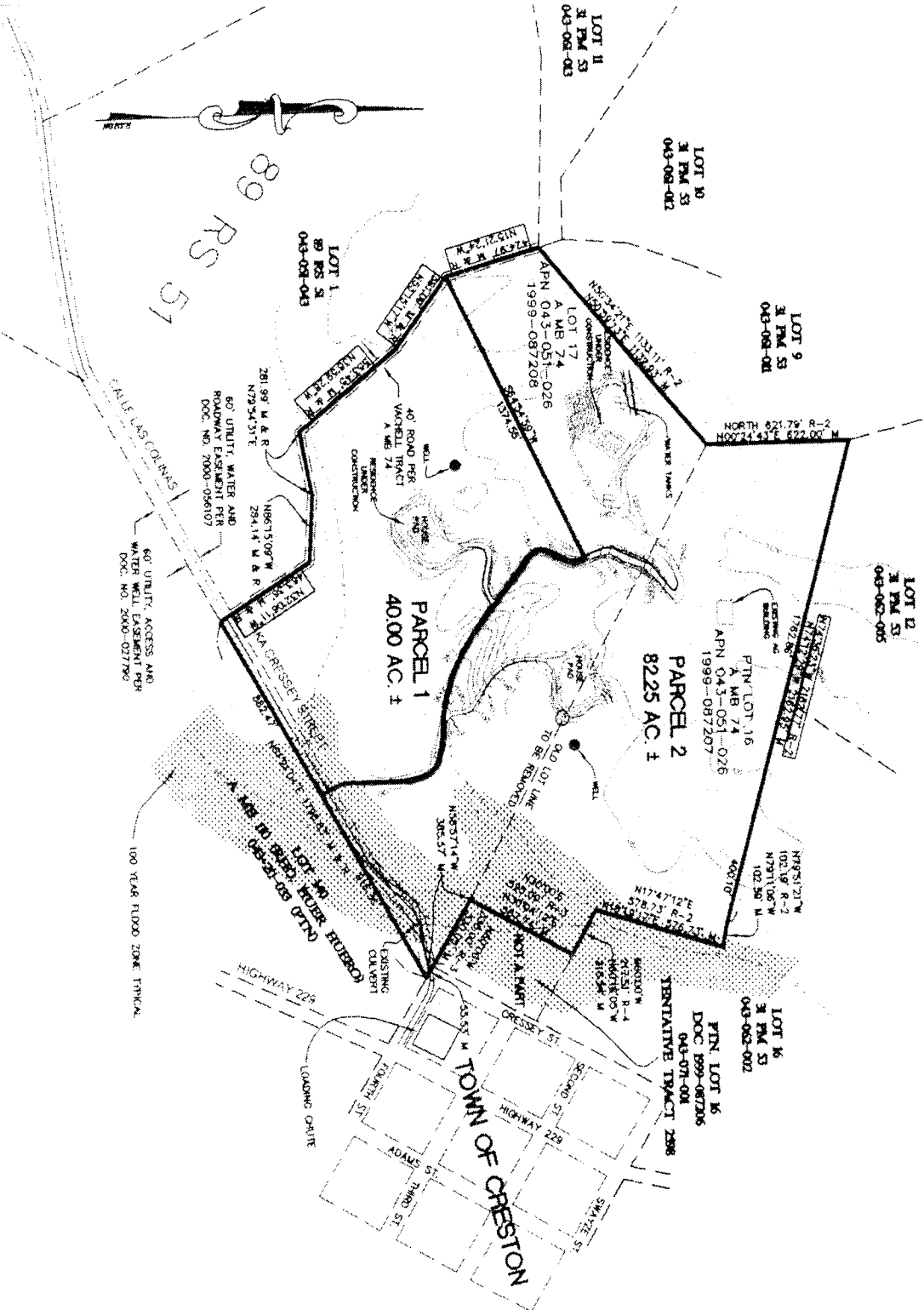
Lot Line Adjustment
Anderson SUB2004-00275



EXHIBIT

Aerial

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PROJECT

Lot Line Adjustment
Anderson SUB2004-00275



EXHIBIT

Site Plan

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Anderson Lot Line Adjustment; COAL05-0049

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

MORRO GROUP INC.
Prepared by (Print)

[Signature]
Signature

06/24/05
Date

Susan McMaster
Reviewed by (Print)

[Signature]
Signature

Ellen Carroll,
Environmental Coordinator
(for)

7/2/05
Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the Anderson Family Trust for a Lot Line Adjustment to adjust the lot lines between two parcels of 78.86 and 43.39 acres each. The adjustment will result in two parcels of 82.25 and 40.0 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at the terminus of Fourth Street, at 6460 Cressey Street, approximately 300 feet east of Highway 229, adjacent to the Village of Creston, in the El Pomar planning area.

ASSESSOR PARCEL NUMBER: 043-051-026

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: El Pomar

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Two residences (under construction), dry farming

TOPOGRAPHY: Gently to moderately sloping

VEGETATION: Grazed mixed grain, barley, grasses, forbs, valley oak trees

PARCEL SIZE: 122.25 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture/ grazing land, row crops, residence	<i>East:</i> Agriculture, Residential Single Family; grazing land, residences
<i>South:</i> Agriculture; grazing land, row crops, residence	<i>West:</i> Agriculture; grazing land, row crops, residence

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is located at 6460 Cressey Street, approximately 300 feet west of Highway 229 (refer to Figures 1 through 3). The surrounding area is characterized by rolling hillsides, the West Fork of the Huerhuero Creek, grazed annual grassland, row crops, patches of oak trees, sparsely scattered single-family residences, and the Village of Creston. The area's topography is primarily gently to moderately sloping hillsides cut by small drainages. Two residences and one access road are currently under construction on Parcel 1. One residence will be approximately 4,000 square feet and the second will be approximately 4,400 square feet. A barn and an existing undeveloped building pad are located on Parcel 2. A Mitigated Negative Declaration was issued in November of 2002 for these existing construction activities onsite (ED00-526/ ED00-423).

Impact. The applicant is proposing a lot line adjustment between Parcels 1 and 2. One residence under construction would be located on proposed Parcel 1, and the second would be located on proposed Parcel 2. A second building site is proposed on proposed Parcel 2. The primary intent of the proposed lot line adjustment is to place the two residences under construction on separate parcels. In addition, the previously approved project included two residences and two barns; the applicant is proposing to develop one of the proposed barn sites with a residence in the future.

The residence under construction on proposed Parcel 2 was designed to minimize silhouetting and visibility as seen from Highway 229. The residence under construction on proposed Parcel 1 is visible from Highway 229, but will not silhouette due to an existing hillside behind the pad. The future residence on proposed Parcel 2 would be visible from Highway 229, but would not silhouette into the skyline due to an existing hillside behind the pad.

11-6-18

Mitigation/Conclusion. The applicant previously agreed to implement mitigation measures to minimize the visibility of proposed development on the project site, including the use of muted earthtone exterior colors, landscape screening, shielded night lighting, and revegetation of all cut and fill slopes. These measures shall also apply to the current project proposal, and future residence on Parcel 2. These measures are consistent with the general visual character of the area and would reduce aesthetic impacts to a level of insignificance.

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project is located within the Agriculture land use category. Agricultural uses on the property currently include cattle grazing and hay crops. Soil types mapped for the project site include Nacimiento-Los Osos complex (non-irr: IV, irr: IV), Linne-Calodo complex (non-irr: IV, irr: IV), Arbuckle-San Ysidro complex (non irr: IV, irr: IV), Elder loam (non-irr: IV, irr: II), and Still clay loam (non-irr: IV, irr: II). Recent agricultural uses on the property have included cattle grazing and forage hay crop production. The Village of Creston is located immediately to the east, and surrounding land uses to the north, south, and west include scattered residences, dry farming, and livestock grazing. The project site is not under an agricultural preserve contract.

The project site consists primarily of non-irrigated non-prime Class IV soils, with small areas of Class II soils located adjacent to the West Branch of the Huerhuero Creek, which is located on the eastern portion of the project site. The proposed lot line adjustment does not include the creation of additional building envelopes or roads. The proposed building envelope on Parcel 2 is located approximately 900 feet from adjacent properties, and would not result in any incompatibility impacts or impair agricultural use on the project site or adjacent properties.

Mitigation/Conclusion. Due to the type and size of the proposed project, impacts to agricultural resources are considered insignificant and no mitigation measures are necessary.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

21-2 6-19

4. BIOLOGICAL RESOURCES -
Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

d) **Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?**

☐
☒
☐
☐

e) **Other** _____

☐
☐
☐
☐

Setting. The project site is dominated by grazed mixed grain, barley, grasses, forbs, small stands of valley oak trees (*Quercus lobata*). The West Fork of the Huerhuero Creek is located immediately west of the project site. The existing access road to the project site crosses the creek via existing culverts.

Based on the California Natural Diversity Database (CNDDDB; 2004), the project site is located in the vicinity of the following California Native Plant Society (CNPS) List 1B (rare, threatened, or endangered in California and elsewhere) species: dwarf calycadenia (*Calycadenia villosa*) and shining navarettia (*Navarettia nigelliformis ssp. radians*). The project site is also located within a vernal pool region. Vernal pools provide potential habitat for the vernal pool fairy shrimp (*Branchinecta lynchi*), a Federally Threatened species. The CNDDDB also identified this area as important habitat for the San Joaquin Kit Fox (*Vulpes macrotis mutica*), a Federally Endangered species and a State Threatened species. In addition, western spadefoot toad (*Scaphiopus hammondi*), a State Species of Concern has been documented in the vicinity of the project site.

Impacts. A *San Joaquin Kit Fox Habitat Evaluation Form* was prepared by Mr. Jeff Tupen, Biologist with Morro Group, Inc. on April 11, 2002. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game. The evaluation, complete with Mr. Stafford's changes, resulted in a requirement that all impacts to kit fox habitat be mitigated at a ratio of one acres conserved for each acre impacted (1:1). Future development of the project site (proposed residential pad on Parcel 2) would result in the permanent disturbance of 0.34 acres of kit fox habitat.

Western spadefoot toad is associated with grasslands, oak woodlands, and vernal pool habitat. The species breeds in vernal pools during the wet season and spends most of the dry season buried in mud or underground burrows. County staff conducted site visits to the project site in the fall of 2003, and no evidence of vernal pools was observed onsite; therefore occurrence of western spadefoot toad and vernal pool fairy shrimp is unlikely.

The project site has historically been planted with dry farm crops and has been grazed by livestock. The applicant is not proposing any additional disturbance outside of existing established roads, driveways, and building pads. Based on historical and continued use of the project site and the location of future development within disturbed, cleared areas, impacts to dwarf calycadenia and shining navarettia potentially present on site would not occur. Construction of a residence on the existing building pad on Parcel 2 would not impact any oak trees.

Mitigation/Conclusion. Mr. Stafford recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox (personal communication; May 15, 2002). The applicant will be required to mitigate the permanent loss of 0.348 acres of kit fox habitat (0.34 acres multiplied by a 1:1 ratio) by one of the following ways: Deposit funds into an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation

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3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is generally improving. PM10 levels were exceeded once at both the Atascadero and Paso Robles monitoring stations in 2003, which is down from two exceedances in 2002.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact. There is an existing access road, three driveways, and four building pads on the project site. Two residences are currently under construction on two pads, one pad currently supports an agricultural storage structure, and the fourth is reserved for the construction of a residence in the future. Based on Table 1-1 of the CEQA Air Quality Handbook, future development of the project site would not generate more than 10lbs/day of emissions. No additional significant air quality impacts are expected; therefore, no mitigation measures are necessary for future grading and construction activities.

Mitigation/Conclusion. No significant air quality impacts were identified, and no mitigation is necessary.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. The implementation of the above measures will mitigate biological impacts to a level of insignificance.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project is located in an area historically occupied by the Obispeño Chumash and Salinian. A *Phase One Archaeological Surface Survey* (Gibson's Archaeological Consulting; May 3, 2004) was completed for a parcel located immediately west of the project site on property also owned by the applicant. The parcel is located adjacent to the western fork of the Huerhuero Creek. Based on the results of the survey report, no archaeological or historical resources were observed on the adjacent parcel.

The applicant is proposing to limit development to previously disturbed areas, which are not located in close proximity to the creek, or in any other area that would be considered culturally sensitive due to the lack of physical features typically associated with prehistoric occupation. No significant paleontological resources are known to exist in the area. Impacts to cultural resources are not expected.

Mitigation/Conclusion. Based on the proposed location of future development and physical features of the project site, no significant impacts to cultural resources would occur as a result of the proposed project and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology The topography of the project site ranges from gently to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered moderate to high. No active faulting is known to exist on or near the subject property. There is an inactive fault located 1.11 miles east of the project site. The project site is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. The Western Fork of the Huerhuero Creek runs along the eastern side of the project parcel. An existing 50-foot easement with culverts crosses the Creek for access to the parcel. The areas along the Creek are within the 100-year Flood Hazard designation; however, the building pads are located outside of the 100-year Flood Hazard designation. As described in the National Resource Conservation Service Soil Survey, the soils mapped for the site are not well to moderately drained. No specific measure above what will already be required by ordinance or code are considered necessary.

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Sedimentation and Erosion. The soil types on the project site are Nacimiento-Los Osos complex, Linne-Calodo complex, Still clay loam, Elder loam, and Arbuckle-San Ysidro complex. As described in the NRCS Soil Survey, the soil surface is considered moderately erodible and has a low to moderate shrink-swell characteristic. No specific measures above what will be required by ordinance or code are necessary.

Mitigation/Conclusion. No significant impacts were identified, and no additional measure beyond compliance with the County Land Use Ordinance and Uniform Building Code are required.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project is located in an area of predominantly agricultural and rural residential uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area. The proposed project is within a high fire hazard severity area. The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. The applicant will be required to comply with CDF/County Fire Department fire safety standards during future development of the third building pad. No impacts as a result of hazards or hazardous materials are anticipated.

Mitigation/Conclusion. No additional measures beyond what is required by CDF and the Uniform Fire Code are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The future residence on Parcel 2 will be located approximately 1,650 feet northwest of Highway 229. The topography between the highway and the site consists of gently rolling hillsides. The project will not generate nor is not exposed to significant stationary or transportation-related noise sources; therefore, no significant noise impacts are expected to occur.

Development of the third building site would result in the generation of approximately 9.6 additional daily traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the area, but would not result in a significant level of transportation-related noise.

Mitigation/Conclusion. Based on the size and location of the proposed project, significant impacts related to noise exposure and generation would not occur, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The future development would not displace existing housing or use a substantial amount of fuel or energy to construct and maintain. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

6-25

Mitigation/Conclusion. Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed project.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriffs Department, California Highway Patrol and CDF/County Fire as the primary emergency responders. The nearest sheriff station is located at the Templeton substation, approximately 13 miles west of the project site. The closest CDF/County Fire station is located in the community of Creston, approximately one mile from the project site. The project is located within the Atascadero Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on public services, including police and fire protection, and schools.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address public services impacts and will reduce the cumulative impact to a level of insignificance. No other significant project-specific impacts to utilities or public services were identified, therefore no additional measures are considered necessary.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The County Trails Plan does not show a future trail being considered on the subject property and there are no other recreational resources in the near vicinity of the parcel.

Mitigation/Conclusion. Implementation of the proposed project would not significantly impact recreational resources, and no mitigation measures are necessary.

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6-26

12. TRANSPORTATION/ CIRCULATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is currently accessed from Fourth Street, a local road branching off Highway 229, the main access road through the Village of Creston. There are two residences currently under construction on the project site. These residences would generate approximately 20 trips per day. Construction of a third residence on Parcel 2 would result in the generation of an additional 9.6 trips per day. This small amount of additional traffic would not result in a significant change to the existing road service levels or traffic safety on any local roads and Highway 229.

Mitigation/Conclusion. Based on the proposed project location, existing and projected acceptable level of service and capacity of local roads, traffic and circulation impacts resulting from the proposed project would be less than significant. No mitigation measures are necessary.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6-27

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The applicant proposes to install a standard septic tank and leach field to manage domestic wastewater generated by the future residence on Parcel 2. Based on the Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type underlying the future building site is Nacimiento-Los Osos complex. For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet. Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent include:

Steep Slopes. This characteristic indicates that portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent.

Depth to Bedrock. This characteristic indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface.

Slow Percolation. This characteristic indicates that fluids may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate needs to be between 30 and 120 minutes per inch.

Mitigation/Conclusion. Prior to issuance of a building permit associated with future residential development on Parcel 2, the applicant is required to submit soil boring and percolation test results demonstrating that the future leachlines would not result in daylighting of effluent, as required by ordinance and the Uniform Building Code.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Surface Water. The West Fork of the Huerhuero Creek, a seasonally intermittent creek, runs along the eastern boundary of the parcel. Two historic blue-line drainages are mapped on the USGS Quadrangle as occurring along the southern boundary and through the middle of the parcel. Evidence of these drainages was not apparent in the field due to historic grading and intensive agricultural operations including livestock grazing, hay crops, and row crops. The topography of the site is gently to moderately sloping. The future residence would be located on an existing building pad over 1,000 feet west of the Huerhuero Creek. Based on the minimal amount of future site disturbance, and location of future development, potential impacts to surface water would be insignificant.

Water Usage. The applicant proposes to use on-site wells for water supply. The underlying water source is the Salinas Valley groundwater basin. The Western Fork of the Huerhuero Creek runs along the eastern boundary of the parcel, indicating a source for ground water recharge. Therefore, there are no potentially significant impacts, and no specific measures above standard requirements have been determined necessary.

Mitigation/Conclusion. No significant impacts were identified, and no mitigation measures are necessary.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the El Pomar Area Plan). The project was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area. The surrounding uses are as follows: North - residences and agricultural development; South - residences and agricultural development; East - single-family residences; West - residences and agricultural development. The proposed project is compatible with these surrounding uses because future development would consist of one additional residence, and continued production of dry farm crops and livestock grazing.

Mitigation/Conclusion. No significant land use impacts would occur as a result of the proposed project, and no mitigation is necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input checked="" type="checkbox"/>	CA Department of Fish and Game	Personal Communications

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> El Pomar/Estrella Area Plan
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Gibson's Archaeological Consulting. May 3, 2004. *Results of Phase One Archaeological Surface Survey for the 4-Acre Anderson Parcel.*

Morro Group, Inc. April 11, 2002. *San Joaquin Kit Fox Habitat Evaluation Form.*

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Exhibit B - Mitigation Summary Table

Aesthetics

- V-1** Prior to issuance of construction permit, the applicant shall submit a color board for review and approval by the Department of Planning and Building/Division of Environmental and Resource Management. All exterior colors shall be less than 6 in chroma and value meet the following criteria:
- a) Water tank colors shall be dark-green or black;
 - b) Exterior wall colors shall be limited to muted earth tones; and
 - c) Roof colors shall be limited to deep earth tones, deep muted reds, browns and grays.
- V-2** Prior to final inspection, the applicant shall implement the approved color board.
- V-3** Prior to issuance of construction permit, the applicant shall submit a final landscaping plan showing the use of native, drought-tolerant vegetation to screen at least 50% of all proposed structures, including water tanks, from all viewpoints on Highway 229 within three (3) years. The plan shall identify the species, size and location of all proposed vegetation and proposed means of irrigation. The plan shall be prepared by a licensed architect, licensed landscape architect, licensed landscape contractor or certified nurseryperson.
- V-4** Prior to final inspection, the applicant shall implement the approved landscaping plan.
- V-5** Prior to final inspection, all lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 229. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

Biological Resources

The following notes shall be included on the second sheet of the Final Map; if Certificates of Compliance are the recording instrument instead of a Final Map, the items shall be completed **prior to map recordation or recordation of the Certificates of Compliance**, and the applicant will be required to enter into a mitigation agreement to adhere to the following conditions during future construction.

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project site on April 11, 2002 by Jeff Tupen, Morro Group, Inc., indicates the project will impact San Joaquin kit fox habitat. Based on review by Bob Stafford of the California Department of Fish and Game, all impacts to kit fox habitat be mitigated at a ratio of **one** acre conserved for each acre impacted (**1:1**). The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below)

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that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map/certificate recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of

6-33

Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

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3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map/certificate recordation, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction.** In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map/certificate recordation,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

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BR-9 Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

Wastewater

WW-1 Prior to issuance of building permits, the applicant shall submit to the County Environmental Health Division the results of soil boring and percolation tests in the proposed leach field location showing adequate slope, percolation rates, and depth to bedrock, or plans for an engineered system.

**DEVELOPER'S STATEMENT FOR THE
ANDERSON LOT LINE ADJUSTMENT; COAL05-0049**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AESTHETICS

V-1 Prior to issuance of construction permit, the applicant shall submit a color board for review and approval by the Department of Planning and Building/Division of Environmental and Resource Management. All exterior colors shall be less than 6 in chroma and value meet the following criteria:

- a) Water tank colors shall be dark-green or black;
- b) Exterior wall colors shall be limited to muted earth tones; and
- c) Roof colors shall be limited to deep earth tones, deep muted reds, browns and grays.

Monitoring: The Planning and Building Department shall verify receipt of required plans and materials.

V-2 Prior to final inspection, the applicant shall implement the approved color board.

Monitoring: The Planning and Building Department shall verify compliance.

V-3 Prior to issuance of construction permit, the applicant shall submit a final landscaping plan showing the use of native, drought-tolerant vegetation to screen at least 50% of all proposed structures, including water tanks, from all viewpoints on Highway 229 within three (3) years. The plan shall identify the species, size and location of all proposed vegetation and proposed means of irrigation. The plan shall be prepared by a licensed architect, licensed landscape architect, licensed landscape contractor or certified nurseryperson.

Monitoring: The Planning and Building Department shall verify receipt of required plans and materials.

V-4 Prior to final inspection, the applicant shall implement the approved landscaping plan.

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This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map/certificate recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map/certificate recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map/certificate recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

6-39

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
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County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
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(805) 781-5029

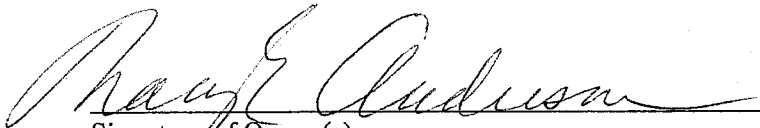
Monitoring: The Department of Planning and Building shall verify compliance.

WASTEWATER

WW-1 Prior to issuance of building permits, the applicant shall submit to the County Environmental Health Division the results of soil boring and percolation tests in the proposed leach field location showing adequate slope, percolation rates, and depth to bedrock, or plans for an engineered system.

Monitoring: The Department of Planning and Building, in consultation with the Division of Environmental Health shall verify required elements on plans.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of Owner(s)

7-9-05
Date

Mary E Anderson
Name (Print)

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: April 18, 2005
TO: Nick Forester, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department *JA*
SUBJECT: Anderson Lot Line Adjustment SUB2004-00275 (1014)

Comments

The applicant proposes to change the configuration of two existing non-conforming parcels of approximately 79 and 43 acres to 82 and 40 acres each. The project site is located on Calle Las Colinas, west of the community of Creston. The project site is within the Agriculture land use category and is not currently developed with agricultural uses. Two residences and driveways are located on existing Parcel 1, while an agricultural accessory structure and a residential building pad are located on Parcel 2. The site consists primarily Class II irrigated and Class IV soils with approximately 16 acres of Class II soils on existing Parcel 1 and three acres on Parcel 2. In general, the topography is relatively flat along the southern boundary of the site with hills increasing in steepness towards the north.

The project site is adjacent to properties within the Agriculture land use category ranging in size from approximately 20 to 120 acres. Rangeland, hay production, and vineyards are the predominate agricultural uses in the area.

The Lot Line Adjustment (LLA) of these non-conforming parcels is requested to allow for the existing residences to be on separate parcels and to create parcels that more closely reflect the topography and access to the site improving the agricultural potential of the proposed parcels.

The Agriculture Department's considers the proposal to be **equal to/ better than** the existing parcel configuration because the resulting parcels consist of resources that provide for similar/improved agricultural opportunities when compared to the existing configuration. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

Comments are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.



Wk/JM 6-41 4
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

3/11/05

FROM

PLW

Anderson

FROM
76

NORTH Co. Team
(Please direct response to the above)

SUB2004-00275

Project Name and Number COAL 05-0049

Development Review Section (Phone:)

788-2009

*OR ASK THE SWITCH-
BOARD FOR THE PLANNING

PROJECT DESCRIPTION:

LLA → between 2 parcels. (1) - 43.39
acre parcel & (1) - 78.86 acre parcel. APN: 043-051-026.
Located off Calle Las Colinas / Cressey St. in Creston.

Return this letter with your comments attached no later than:

3/28/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

NO TITLE REPORT. IT APPEARS THAT A ROAD/DRIVEWAY FOLLOWS PROPOSED LOT LINE -
NEED A 20 FT MIN. ACCESS EASEMENT OVER ROAD. FLOOD HAZ AREA NEEDS
TO BE SHOWN AS Bldg RESTRICTION ON CERTS & FINAL MAP.

22 MARCH 2005

Date

GOODWIN

Name

5262

Phone



DIVISION APPLICATION

San Luis Obispo County Department of Planning and Building

File Nos. _____

APPLICATION TYPE CHECK ALL THAT APPLY

- | | | | | |
|---|--|--|---|---|
| <input type="checkbox"/> Public Lot | <input type="checkbox"/> Parcel Map | <input type="checkbox"/> Road Abandonment | <input type="checkbox"/> Sending Site | <input type="checkbox"/> Other |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tract Map | <input type="checkbox"/> Reversion to Acreage | <input type="checkbox"/> Receiving Site | <input type="checkbox"/> Road Naming/Addressing |
| <input checked="" type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Condominium (new or conversion) | <input type="checkbox"/> Preliminary Determination | <input type="checkbox"/> Voluntary Merger | |

APPLICANT INFORMATION

COAL 05-0049

☒ Landowner Name Anderson Family Trust Daytime Phone: 237-9441

Mailing Address PO BOX 187 Creston CA Zip: 93432

☐ Applicant Name _____ Daytime Phone: _____

Mailing Address _____ Zip: _____

☒ Surveyors EMK & ASSOCIATES, INC. Daytime Phone: 238-5427

Mailing Address 1005 RAILROAD STREET
PASO ROBLES, CA 93446 Zip: _____
(805) 238-5427

PROPERTY INFORMATION

Total Size of Site: 122.25 AC± Assessor Parcel Number(s): 043-051-026

Legal Description: Parcels per Certs of Comp 1999-087207 & 087208

Address of the project (if known): Calle Las Colinas AKA CRESSEY ST.

Directions to the site - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.:
From Hwy 229, Turn West just S. of Loading Chute

Describe current uses, existing structures, and other improvements and vegetation on the property:
Ag Barn, 2 res. under const, open historic Ag fields

PROPOSED PROJECT

Describe the proposed project (inc. size of all proposed parcels): Lot Line Adj.

LEGAL DECLARATION

I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature Mary Anderson Date 3-10-05

OFFICE USE ONLY

Date Received: _____ By: _____ Receipt No.: _____ Use Group?: _____

Planning Area: ELPC Community Code: R [] "A" Use [] "S" Use

Land Use Category: AG Combining Designation: _____

Coastal Zone: [] In ☒ Out Enforcement Case: [] Yes ☒ No File # _____ Addressing: _____

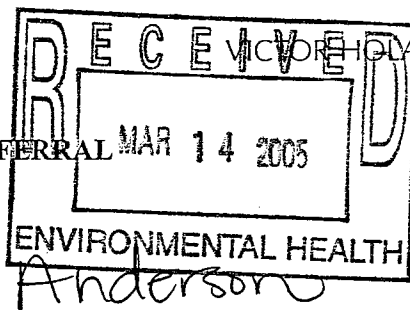
Comments: _____ Planner: [Signature] Date: 3/11/05

Revised 07/02/01



LWK/JM 6-43 4
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL



VICTORIA HOLLANDA, AICP
DIRECTOR

DATE:

3/11/05

TO:

Env. Health

FROM:

NORTH Co. Team

(Please direct response to the above)

SUB2004-00275

Project Name and Number COAL 05-0049

Development Review Section (Phone:)

788-2009

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

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Environmental Health's concerns with moving the lot line
is that the existing septic system and leach. line
remain on the parcel they will serve.

3/22/05
Date

Xamir Sal
Name

781-5551
Phone